

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

**Re: ECF Nos. 18239, 18277, 18253,
18286**

(Jointly Administered)

URGENT OMNIBUS CONSENTED MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States District Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), on behalf of the Commonwealth of Puerto Rico (the “Commonwealth”), pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2017, respectfully submits this urgent omnibus consented motion (the “Urgent Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Scheduling Briefing Concerning Urgent Motion Requesting Order For Allowance And Immediate Payment Of Administrative Expense Priority Claim Filed By Judgment Claimants Of The Department Of Transportation And Public Works Of The*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5233-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Commonwealth Of Puerto Rico [ECF No. 18253] (the “DTOP Motion Scheduling Order”) and the *Order Scheduling Briefing Concerning Urgent Motion For Allowance And Immediate Payment Of Administrative Expense Pursuant To Section 503(B)(1)(A)(I) And (II) Of The Bankruptcy Code Filed By Group Wage Creditors In The Litigation Caption Nilda Agosto Maldonado Et Als. Case No. K PE 2005-0608* (the “ADFAN Motion Scheduling Order” and together with the DTOP Motion Scheduling order, the “Scheduling Orders”) ² [ECF No. 18286].

Request for Relief

1. On September 24, 2021, two (2) separate groups of employees (the “DTOP Movants”) of the Puerto Rico Department of Transportation & Public Works (“DTOP” for its initials in Spanish), an entity of the Commonwealth, filed an *Urgent Motion Requesting Order for Allowance and Immediate Payment of Administrative Expense* [ECF No. 18239] (the “DTOP Motion”), requesting that the Court enter an order (i) for “the allowance and payment of the Administrative Claim submitted, collectively, in the amount of \$34,243,964.57”, (ii) “ordering Debtor pursuant to section 503(b)(1)(A)(i)(ii) and 507(a) to pay such administrative expense within sixty (60) business days” of such order, (iii) and granting “such other and further relief as the Court deems just and proper and granting such additional relief as this Court deems just and necessary”. See, *ADFAN Motion* at p. 17.

2. On September 28, 2021, twenty (20) active employees (the “ADFAN Movants”) and together with the DTOP Movants, the “Movants”) of the Family and Children Administration (“ADFAN”), an entity of the Commonwealth, filed an *Urgent Motion for Allowance and Immediate Payment of Administrative Expense Pursuant to Section 503(b)(1)(A)(i) and (ii) of the*

² The Financial Oversight and Management Board for Puerto Rico, as the Commonwealth’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Urgent Motion on behalf of the Commonwealth.

Bankruptcy Code [ECF No. 18277] (the “ADFAN Motion” and together with the DTOP Motion, the “Motions”), requesting that the Court enter an order (i) for the collective allowance and payment of \$48,124,313.58, (ii) “ordering Debtor to pay such administrative expense within sixty (60) business days” of such order, and (iii) directing the Court to direct the DTOP to continue “issuing payment of corresponding shortfall amounts on a monthly basis, as applicable to the individual claimants that continue working for the DTOP.” See, *DTOP Motion* at pp. 18-19.

3. On September 27, 2021, the Court entered the DTOP Scheduling Order, which provides that oppositions to the DTOP Motion must be filed by November 8, 2021, at 5:00 p.m. (Atlantic Standard Time), and the DTOP Movants’ reply by November 15, 2021, at 5:00 p.m. (Atlantic Standard Time).

4. On September 29, 2021, the Court entered the ADFAN Scheduling Order which provides that oppositions to the ADFAN Motion must be filed by November 12, 2021, at 5:00 p.m. (Atlantic Standard Time), and the ADFAN Movants’ reply by November 19, 2021, at 5:00 p.m. (Atlantic Standard Time).

5. Since the entry of the Scheduling Orders, the Commonwealth has evaluated the allegations of the Movants raised in the Motions and commenced gathering information to properly assess which portions, if any, can be consensually resolved. Nevertheless, the Commonwealth needs additional time to gather information and finalize its analysis. The Commonwealth reached out to Movants’ counsel who has consented to the requested extension.

6. Accordingly, the Commonwealth, with Movants’ consent, proposes the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline to respond to the Motions shall be extended to **November 29, 2021**.

- The deadline for Movants to file replies to the respective oppositions to the Motions, if any, shall be extended to **December 9, 2021**.
- Although the deadlines to respond to the Motions and to file replies to the respective oppositions, if any, will fall on the same dates, such pleadings will be addressed separately.
- The Court will thereafter take the Motions on submission, unless the Court determines that a hearing is necessary.

7. Pursuant to Paragraph I.H of the *Fifteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 17127-1] (the “Case Management Procedures”), the Commonwealth hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

8. The Commonwealth has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors’ bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) all parties filing a notice of appearance in these Title

III cases; and (i) Movants. A copy of the motion is also available on the Commonwealth's case website at <https://cases.primeclerk.com/puertorico/>.

9. The Commonwealth submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Commonwealth requests the Court enter the Proposed Order and grant such other relief as is just and proper.

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Dated: November 8, 2021
San Juan, Puerto Rico

Respectfully submitted,

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Exhibit A
Proposed Order